Proposed Amendments to the Drawings

The drawing are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference number "54" has been used to designate both the top electrode and the bottom electrode, and in Figure 4B, "40" is missing.

Figure 4(b) has been amended to include reference number 40. Figure 7 has been amended to add reference number 56.

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REMARKS

<u>Objections to the Drawings</u>

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference number "54" has been used to designate both the top electrode and the bottom electrode, and in Figure 4B, "40" is missing.

Applicant submits proposed amendments to Figure 4(b) to include reference number 40 and Figure 7 to add reference number 56.

<u>Objections to the Specification</u>

The examiner objected to the specification as filing to provide proper antecedent basis for the claimed subject matter.

Applicant has amended the specification in response to the examiner's objections under 37 CFR 1.75(d)(1) and MPEP §608.01(o).

<u>Rejections under 35 U.S.C. 112</u>

Claims 66-69, 71-80, 108-110 and 112 are rejected under §112, first paragraph, as failing to comply with the written description requirements.   Applicant has cancelled claims 66-69, 71-80, 108-110 and 112.

<u>Allowable Subject Matter</u>

Applicants thank the examiner for the indication that claims 105 and 106 are allowable over the prior art.

New claim 114 recites that the device of claim 105 is a photonic device. There is no newly added subject.

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CONCLUSION

It is submitted that the present application is in form for allowance, and such action is respectfully requested. The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 08-1641 (Docket No. 39230-0704).

Respectfully submitted,

HELLER EHRMAN WHITE & McAULIFFE

Date: September 6, 2005   By: _____

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